IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.490/2001

Date of Decision :15.5.2007..

P.D.Khanduri. …Petitioner.

Versus:

Union of India and Ors. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.R.K.Gautam, Advocate.

For Respondents. Mr.Ashwani Pathak, Central Govt. Counsel.

Sanjay Karol, J (Oral).

This Court in CWP.No. 82 of 1991 titled P.D.Khanduri Vs. Union of India and others vide order dated 22nd July, 1998 directed the respondents to take a decision and by a speaking order decide the representation/claim(s) of the petitioner with regard to his entitlement of revised pay scale.

The grievance of the petitioner has been partly meted out by the respondents in terms of their order dated 6th November, 1998 whereby he has been granted pay scale of Rs.1200-1700 w.e.f. 1.1.1978 and pay scale of Rs.2200-4000 w.e.f. 1.1.1996 plus Rs.100/-

[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

per month w.e.f. 14.2.1989 till the date of superannuation on the same terms and conditions as are applicable to the Teachers employed with the State of Himachal Pradesh.The grievance of the petitioner with regard to the entitlement/revision of pay scale w.e.f. 1.11.1966 has neither been considered nor given.

It is an admitted case of the parties that the petitioner is entitled to the pay scale equivalent to the teachers employed by the State of Himachal Pradesh. On 1.11.1957, the petitioner's pay scale was Rs.250-350. Admittedly with effect from 1.11.1966, the State of Himachal Pradesh revised the pay scale of employees who were similarly situated with that of the petitioner, from Rs.250-350 to Rs.700-1100. Admittedly, the petitioner's pay scale has not been revised accordingly. The fact that the petitioner is entitled for the pay scale equivalent to the employees of the State of Himachal Pradesh is not in dispute. In fact, vide order dated 6th November, 1998, the petitioner's pay scale retrospectively has been revised w.e.f. 1.1.1978. However, with regard to the revision/entitlement of the petitioner from the order dated 1.11.1966, there is no order. The petitioner not only made various representations and earlier approached this Court was left with no option but to file the present writ petition.

Keeping in view the totality of the circumstances and peculiar facts of the case, it would be only appropriate that the following directions are issued:

(1) The petitioner shall be entitled for the revised pay scale, as was ordered to by the State of H.P for its employees at Rs.700-1100 w.e.f. 1.11.1966 up to 31st December, 1977.

(2) The same shall be paid to the petitioner within a period of twelve weeks from today failing which he shall be entitled for interest @ 6% per annum.

In this view of the matter, the present writ petition is accordingly allowed.

(Sanjay Karol),
Judge.

May 15, 2007(R)